UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,402	01/17/2002	Jeffrey G. Anderson	**SI-0004	1590

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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="3">Office Action Summary</td><td>Application No.
10/053,402</td><td>Applicant(s)
ANDERSON ET AL.</td><td></td></tr>
<tr><td>Examiner
KAREN C. TANG</td><td>Art Unit
2151</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 May 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16,19,20 and 31-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16, 19, 20, 31-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

- This action is responsive to the amendment and remarks file on 5/28/2008.

- Claims 1-16, 19, 20, 31-33 are presented for further examination.

- An amendment to the Specification filed on 5/28/08 is now entered.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-16, 19, 20, 31-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-14 and 32 are rejected under 35 U.S.C. 101 because

Applicant has provided antecedent basis for the claim termination "computer readable medium." Applicant has provided intrinsic evident of the embodiments intended to be covered within the meaning.

The covered embodiment in specification, page 34, lines 13-18, *"computer readable medium, such as a medium stored persistently in a computer, or stored and installed from a CD-ROM, or downloaded from the Internet."* is considered to be a software per se, which is not a Manufacture within the meaning of 101, the program is still unable to act as a computer component and have its functionality realized. Therefore, given the embodiment in the

specification, Claims 8-14, and 32 are rejected under 35 USC 101 as failing to be limited to

embodiments which fall within a statutory category.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-16, 19, 20, 31-33, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Meadway et al hereinafter Meadway (US 6,675,205) in view of Resenius et al hereinafter

Resenius (US 6,757,734) in further view of Lev Ran et al hereinafter Lev Ran (US

2007/0174428).

1.   Referring to Claims 1, 8, 15, 31, 32, and 33, Meadway disclosed a method for use by a

local agent module associated with one or more local computers to enable remote access to at

least one file residing on the one or more local computers, comprising:

polling (request sent to the server to retrieve information, Col 11, Lines 7-25, local agent located

on the remote computer, refer to Col 5, Lines 29-36, local agent, agent transmit the request

information to the server, refer to Col 5, Lines 40-55) a server for a task request (refer to Col 1,

Lines 45-65, Col 2, Lines 9-11), the task request generated by a remote client computer, the task

request requesting a file from the local computer (refer to Col 6, Lines 19-21);

receiving the task request from the server, the task request identifying a file from at least one

local computer associated with the local agent (refer to Col 1, Lines 54-56);

one or more protocol stacks for communicating over a network with the server (utilizing IP

protocol to communicate with the server, refer to Col 3, Lines 20-33).

responsive to the task request, causing the file to be uploaded to the server (Col 1, Lines 63-65)

waiting for a schedule timer (according to applicant's intended definition for schedule timer, refer

to applicant's PG Pub par 0065, is to instruct processor to check task request periodically, refer

to applicant's PG Pub par 0014, therefore, if a system provide an agent periodically check the

request, therefore, it has a schedule timer, and perform the same function as applicant's schedule

timer) to expire (check periodically, therefore, the system has timer and is counting down the

time, refer to Col 4, Lines 50-62); and

wherein an act of polling is performed by the local agent (request sent to the server to retrieve

information, Col 11, Lines 7-25, local agent located on the remote computer, refer to Col 5,

Lines 29-36, local agent, agent transmit the request information to the server, refer to Col 5,

Lines 40-55); local agent comprising interpreter to communicate with a task processor (the

module in the remote computer that comprising the XML)

repeating at least the above act of polling a server for a task request (refer to Col 4, Lines 45-67).

Meaday disclosing an interpreter in order to communicate with a task processor that

communicates with the schedule timer and a local computer file system (the host

computer/server that contains the local agent, comprising an interpreter in order to communicate

in the network via XML protocol with others computers/servers, Col 23, Lines 63-67 and the

host computer/server must have a processor in order to process local agent's task, which

including communicating with the schedule timer and a local computer file system, refer to Col

4, Lines 50-62).

Although Meadway disclosed the invention substantially as claimed, Meadway did not explicitly

teaching "the local agent comprising a simple object access protocol interpreter"

Resenius disclosed "act of polling occurs over a transmission control protocol/internet protocol

stack, through functions specified in a simple object access protocol interpreter". (refer to Col 8,

Lines 1-18).

Hence, providing functionality disclosed by Resenius, would be desirable for a user to

implement in order to allow ability to establish communication between a WAP application and

a Windows application, where unpacking and possible decryption are not performed on any

intermediate gateway (Lev Ran also supported Resenius's that it is well known in the art for

client and server communicate through a SOAP protocol, which must requires a SOAP

interpreter to interpret the SOAP language, refer to par 0451 and par 0175).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the

art to modify the system of Meadway by including features of Resenius.

2.   Referring to Claims 2 and 9, Meadway disclosed

setting up local agent preferences (refer to Col 11, Lines 8-12);

setting up remote client preferences (the remote client need to set up preferences in order to start

communication);

initiating the act of polling, based on the local agent preferences (refer to Col 11, Lines 8-12);

and initiating an act of uploading based on the remote client preferences (the remote client need

to set up preferences in order to start communication).

3.   Referring to Claims 4, 5, 11, 12 and 18, Meadway discloses wherein the act of causing

the file to be uploaded includes:

initiating a request to a the local computer file system for the file (refer to Col 6, Lines 3-9 and

36-40);

and receiving the file from the local computer file system (refer to Col 6, Lines 32-61);

receiving an indication that the file was uploaded to the server (refer to Col 11, Lines 65-67 and

Col 12, Lines 1-10);

4.   Referring to Claims 3, 10, 16 and 17, Meadway disclosed the act of polling (refer to Col

1, Lines 56-58, Col 2, Lines 9-11); Meadway disclosed the use of XML, which is the base for the

simple object access protocol (refer to Col 23, Lines 63-65). Although Meadway disclosed the

invention substantially as claimed, Meadway is silent regarding "act of polling occur over a

transmission control protocol/internet protocol stack, through functions specified in a simple

object access protocol interpreter".

Resenius disclosed "act of polling occurs over a transmission control protocol/internet protocol

stack, through functions specified in a simple object access protocol interpreter". (refer to Col 8,

Lines 1-18).

Hence, providing functionality disclosed by Resenius, would be desirable for a user to

implement in order to allow ability to establish communication between a WAP application and

a Windows application, where unpacking and possible decryption are not performed on any

intermediate gateway (Lev Ran also supported Resenius's that it is well known in the art for

client and server communicate through a SOAP protocol, which must requires a SOAP

interpreter to interpret the SOAP language, refer to par 0451 and par 0175).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the

art to modify the system of Meadway by including features of Resenius.

5.   Referring to Claims 6, 7, 13, 14, 19 and 20, Meadway discloses wherein the act of

causing the file to be uploaded includes:

initiating a request to an interface for the file from a message access protocol interface database

(refer to Col 6, Lines 32-61)

and receiving the file from the database (refer to Col 6, Lines 32-61).

Although Meadway disclosed the invention substantially as claimed, Meadway is silent

regarding whether the interface is a message access protocol, and the database use a message

access protocol.

Resenius disclosed "system uses the a message access protocol" (refer to Col 8, Lines 3-9).

Hence, providing functionality disclosed by Resenius, would be desirable for a user to

implement in order to allow ability to establish communication between a WAP application and

a Windows application, where unpacking and possible decryption are not performed on any

intermediate gateway (Lev Ran also supported Resenius's that it is well known in the art for

client and server communicate through a SOAP protocol, which must requires a SOAP

interpreter to interpret the SOAP language, refer to par 0451 and par 0175).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the

art to modify the system of Meadway by including features of Resenius.

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in the

references applied to the claims above for the convenience of the applicant. Although the

specified citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant in preparing responses, to fully consider the references

in entirety as potentially teaching all or part of the claimed invention, as well as the context of

the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the

claimed invention, Applicant is respectfully requested to indicate the portion(s) of the

specification which dictate(s) the structure relied on for proper interpretation and also to verify

and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The

examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/K. C. T./
Examiner, Art Unit 2151

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151